

## SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

EDITORIAL NOTE: For FEDERAL REGISTER citations to regulations for previous program years not included in this volume, see the List of CFR Sections Affected in the Finding Aids section of this volume.

### PART 1410—1991–2002 CONSERVATION RESERVE PROGRAM

SOURCE: 56 FR 15985, Apr. 19, 1991, unless otherwise noted.

#### Subpart A—General Provisions

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#### § 1410.1 Applicability.

The regulations in this part govern operation of the Environmental Conservation Acreage Reserve Program (ECARP) established by title XII of the Food Security Act of 1985 as amended. The ECARP shall consist of the Conservation Reserve Program (CRP) covered under subpart B of this part and the Wetlands Reserve Program (WRP) covered under subpart C of this part. With respect to the CRP, subpart B shall, unless otherwise provided for, only be applicable for contracts approved and bids for participation offered for enrollment periods after November 28, 1990. With respect to all other CRP contracts approved, and bids for participation offered, the provisions of part 704 of this title shall be applicable.

[56 FR 15985, Apr. 19, 1991, as amended at 61 FR 43945, Aug. 27, 1996]

#### Subpart B—Conservation Reserve Program

#### § 1410.2 Administration.

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(a) The regulations in this part will be administered under the general supervision and direction of the Executive Vice President, Commodity Credit Corporation (CCC), and the Administrator, Farm Service Agency (FSA), through the Deputy Administrator for Farm Programs, FSA. In the field, the regulations in this part will be administered by the State and county FSA committees ("State committees" and "county committees," respectively).

(b) State executive directors, county executive directors and State and county committees do not have authority to modify or waive any of the provisions of this part.

(c) The State committee may take any action authorized or required by this part to be taken by the county

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committee which has not been taken by such committee. The State committee may also:

(1) Correct or require a county committee to correct any action taken by such county committee which is not in accordance with this part; or

(2) Require a county committee to withhold taking any action which is not in accordance with this part.

(d) No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, and the Administrator, FSA, or a designee, from determining any question arising under this part or from reversing or modifying any determination made by a State or county committee.

(e) Data furnished by the applicants will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, without it program benefits will not be provided.

(f)(1) The erosion index (EI), suitability of land for permanent vegetative or water cover, factors for determining the likelihood of improved water quality, and adequacy of the planned practice to achieve desired objectives, shall be determined by the Natural Resource Conservation Service (NRCS) in accordance with the local field office technical guide or other guidelines deemed appropriate by the NRCS, except that no such determination by the NRCS shall compel CCC to execute a contract which CCC does not believe will serve the purposes of the program established by this part.

(2) CCC shall consult with the NRCS for such other technical assistance in the implementation of the ECARP as is determined by CCC to be necessary.

(g) State FSA committees, with NRCS, may develop a State ranking process to evaluate acreage based on State specific goals and objectives. Such STC's may choose between developing a State ranking process or utilizing a national ranking process. States' ranking processes shall be developed based on recommendations from State Technical committees, follow national guidelines, and be approved by the Deputy Administrator."

(h) CCC shall consult with the Forest Service (FS) or the State Forestry Agency for such assistance as is determined by CCC to be necessary for de-

veloping and implementing conservation plans which include tree planting as the appropriate practice.

(i) CCC may consult with the Cooperative State Research, Education, and Extension Service (CSREES) to coordinate the related information and education program as deemed appropriate to implement the CRP.

[56 FR 15985, Apr. 19, 1991, as amended at 61 FR 43945, Aug. 27, 1996]

### § 1410.3 Definitions.

(a) The terms defined in part 719 of this title shall be applicable to this part and all documents issued in accordance with this part, except as otherwise provided in this section.

(b) The following definitions shall be applicable to this part:

*Agricultural commodity* means any crop planted and produced by annual tilling of the soil or on an annual basis by one trip planters or sugar cane planted or produced in a state or alfalfa and other multiyear grasses and legumes in rotation as approved by the Secretary. For purposes of determining crop history, as relevant to eligibility to enroll land in the program, land shall be considered planted to an agricultural commodity during a crop year if, as determined by CCC, an action of the Secretary prevented land from being planted to the commodity during the crop year;

*Alley-cropping* means the practice of planting rows of trees surrounded by a strip of vegetative cover, alternated with wider strips of agricultural commodities planted in accordance with a conservation plan of operation approved by the local Conservation District and CCC;

*Annual rental payment* means, unless the context indicates otherwise, the annual payment specified in the CRP contract which, subject to the availability of funds, is made to a participant to compensate such participant for placing eligible land in the CRP;

*Applicant* means a person who submits an offer to CCC to enter into a CRP contract;

*Bid* means, unless the context indicates otherwise, the per acre rental payment requested by the owner or operator in such owner's or operator's offer to participate in the CRP;